1952

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File No. Haqq Prohibition II/52(N)

Legal Department—
B BRANCH

Subject:— Notifications under the Bombay Haqq Prohibition Act, 1839.

File No. Haqq Prohibition II/52(N)

Jan. 194 e.

855-B

Legal Department.

Subsequent to the R.L.A.'s opinion No.188 dated the 8th October 1951 at page 61 ante, the Bombay Haqq Prohibition Act, 1839, has been repealed by the Repealing and Amending Act, 1952 (XLVIII of 1952). It will not, therefore, be possible now to take action as advised in paragraph 2 of the said opinion. The Repealing and Amending Act,1952 has been enacted by Parliament. Under article 265 of the Constitution no tax shall be levied or collected except by authority of law, which in its context means law made by the Legislature. The Thakore has no authority of law to recover fee in respect of sale and mortgage of Wanta lands. It is open to the persons from whom such recovery is made to resist the recovery. The villagers should be informed that the Thakore has no right to recover a fee in respect of sale and mortgage of Wanta lands and it would be open to them to refuse to pay such fees.

Id/-

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Additional Secretary to Government.

U.R. to R.D.No.16636/B,dated the 9th October 1952

R.D.P.
18/7/56

S.C.